

REMARKS

Claims 10-15, 53-56 and 86-93 remain pending in the instant application. All claims presently stand rejected. Applicants cancel claims 12 and 55. Applicants amend claims 10, 53, 86 and 87. Applicants submit additional claims 94-95 for consideration. Applicants assert that no new matter is added herein as amendments to claims 10, 53 and 86 are supported at least at page 13, lines 11-21; page 24, line 8 through page 25 line 5 and Fig. 5C. Also, amendments to claim 87 are supported at least at page 24, lines 8-14; and page 13, lines 11-21. Additional claim 94 is supported at least at page 24, line 8 through page 25 line 12; and page 13, lines 11-21. Additional claim 95 is supported at least at page 8 lines 1-19; and page 24, line 21 through page 25 line 3.

Applicants respectfully request reconsideration of claims 10-15, 53-56 and 86-93, and consideration of additional claims 94-95 in view of at least the following remarks.

I. Claims Rejected Under 35 U.S.C. § 103

Claims 10, 12-15, 53, 55-56 and 86-93 are rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent 6,177,931 to Alexander et al. (Alexander) in view of Aras et al. (US Patent 5,872,588) in further view of Herz et al. (US Patent 5,758,257). Claims 11 and 54 are rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent 6,177,931 to Alexander et al. (Alexander) in view of Aras et al. (US Patent 5,872,588) in further view of Herz et al. (US Patent 5,758,257) in further view of Proehl et al. (US Patent 6,990,676).

“To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. All words in a claim must be considered in judging the patentability of that claim against the prior art.” M.P.E.P. § 2143.03.

Independent Claim 10

Amended independent claim 10 now recites, in pertinent part

sending demand data feedback from the client to the server
after a predetermined amount of pieces of content has been utilized
since the last time demand data feedback was sent to the server and
the demand data related to the utilized pieces of content has been
generated for a predetermined threshold count of a plurality of
pieces of content rated,

wherein the generation of demand data related to the pieces of
content described by the content descriptors comprises receiving
explicit user input regarding specific pieces of content, the explicit
user input comprising one of ranking a relative order of some of

the pieces of content available, and generating a list of absolute rating numbers for some of the pieces of content available.

Applicant respectfully submits that the combination of the prior art cited by the Examiner fails to teach or suggest wherein the generation of demand data related to the pieces of content described by the content descriptors comprises receiving explicit user input regarding specific pieces of content, the explicit user input comprising one of ranking a relative order of some of the pieces of content available, and generating a list of absolute rating numbers for some of the pieces of content available.

Alexander teaches that the EPG records the viewer's actions and the circumstances surrounding those actions, such as when the viewer changes channels; provides instruction to record or watch a program; or changes volume (Col. 28 lines 30-52). Consequently, the Patent Office has not identified and Applicants are unable to find any teaching or suggestion of the above noted limitation of claim 10 in Alexander.

Aras teaches detecting changes in channels, such as from a remote or a controller or a channel changer (Col. 15 lines 34-57). Consequently, the Patent Office has not identified and Applicants are unable to find any teaching or suggestion of the above noted limitation of claim 10 in Aras.

Herz teaches that a customer may be asked to state his/her most preferred level for a characteristic for a viewed section of a video just viewed, such a level of action of a movie segment (Col. 14 lines 10-35). Consequently, the Patent Office has not identified and Applicants are unable to find any teaching or suggestion of the above noted limitation of claim 10 in Herz.

Also, Proehl et al. (US Patent 6,990,676) (cited against claims other than claim 10) fails to cure the deficiencies of the references noted above. The Patent Office asserts that Proehl teaches that previews of future television programs can be locally stored at the client (see col. 14, line 67 – col. 15 line 17; and col. 17 lines 15-25). However, the Patent Office has not identified and Applicants are unable to find any teaching in Proehl of the above-noted limitations of amended claim 10.

In addition, by receiving explicit user input comprising ranking or rating numbers as claimed, embodiments described in the specification of the present application, for example, without limitation thereto, provide the benefits of: (a) providing demand data generated by considering explicit user feedback at the client or based on previous user behavior or content

consumption (specification page 13 lines 19-21; claim 94); (b) so that demand data feedback can be sent from the client to the server after the demand data related to the utilized pieces of content has been generated for a predetermined threshold count of a plurality of pieces of content rated (claim 10) where the demand data comprises explicit user input comprising ranking or rating numbers for users who generate the explicit input at different rates (specification page 24 line 10 through page 25 line 5; claim 87); (c) such as to customize the amount of data sent in the feedback for different bandwidth connections between the client and the server (specification page 8 lines 1-19; line 21 through page 25 line 3; and claim 95). However, none of the cited references provide any of these benefits.

Hence, Applicants respectfully request the Patent Office withdraw the rejection above for independent claim 10.

Next, Applicants respectfully disagree with the rejection above for claim 53 for at least the reason that the cited references do not teach or suggest to send demand data feedback to the server after a predetermined amount of the pieces of content has been utilized since the last time demand data feedback was sent to the server and the demand data related to the utilized pieces of content has been generated for a count of the number of pieces of content ranked or rated that exceeds a predetermined threshold number, wherein the generation of demand data related to the pieces of content described by the content descriptors comprises receiving explicit user input regarding specific pieces of content, the explicit user input comprising one of ranking a relative order of some of the pieces of content available, and generating a list of absolute rating numbers for some of the pieces of content available, as required by amended claim 53. An argument analogous to the one above for claim 10 applies here as well. Hence, for at least the reasons above for claim 10, Applicants respectfully request the Patent Office withdraw the rejection above for claim 53.

Next, Applicants disagree with the rejection of claim 86 for at least the reason that the cited references do not teach or suggest sending demand data feedback from the client to the server after the demand data related to a predetermined amount of pieces of content is generated for a predetermined threshold count of a plurality of pieces of content rated after the predetermined amount of pieces of content have been utilized, the demand data feedback to indicate the relative desirability of the pieces of content available for future broadcasts, wherein

the generation of demand data related to the pieces of content described by the content descriptors comprises receiving explicit user input regarding specific pieces of content, the explicit user input comprising one of ranking a relative order of some of the pieces of content available, and generating a list of absolute rating numbers for some of the pieces of content available, as required by amended claim 86. An argument analogous to the one above for claim 10 applies here as well. Hence, for at least the reasons above for claim 10, Applicants respectfully request the Patent Office withdraw the rejection above for claim 86.

Dependent Claims

The dependent claims are non-obvious over the prior art of record for at least the same reasons as discussed above in connection with their respective independent claims, in addition to adding further limitations of their own. Accordingly, Applicant respectfully requests that the instant § 103 rejections of the dependent claims be withdrawn.

II. Additional Claims 94-95

Applicants submit that additional claims 94-95 are patentable for at least the reasons described above with respect to their base claims, as well as any additional limitation of dependent claims 94-95. Hence, Applicants respectfully request the Patent Office allow claims 94-95.

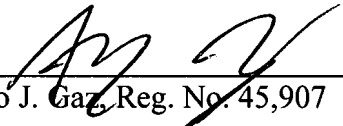
CONCLUSION

In view of the foregoing, it is believed that all claims now are now in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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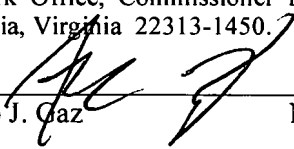


Angelo J. Gaz, Reg. No. 45,907

1279 Oakmead Parkway
Sunnyvale, CA 94085-4040
Telephone: (310) 207-3800
Facsimile: (408) 720-8383

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Angelo J. Gaz

November 21, 2007